

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

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IN THE MATTER OF THE COMMISSION'S )  
INVESTIGATION, UNDER IC §§ 8-1-2-58 AND 59, )  
INTO THE PROPOSED TERMINATION OF )  
THE OPERATING AGREEMENT BETWEEN )  
PSI ENERGY, INC. AND CINCINNATI )  
GAS & ELECTRIC COMPANY APPROVED BY )  
THE COMMISSION MARCH 29, 1994 )

**FILED**

CAUSE NO. 41954 JUL 23 2004

INDIANA UTILITY  
REGULATORY COMMISSION

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

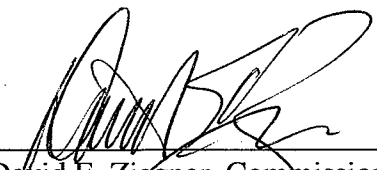
On July 8, 2004, pursuant to 170 I.A.C. 1-1.1-4, PSI Energy, Inc. ("PSI" or "Petitioner ") filed a *Motion for Protection of Confidential and Proprietary Information* ("Motion") in this Cause. In its Motion, the Petitioner indicates that certain information that it intends to submit in this matter, may contain trade secrets ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner included the sworn *Affidavit of Douglas F Esamann* ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

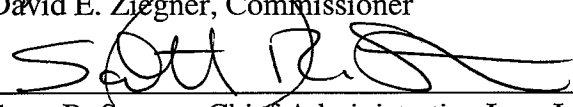
170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

In its Motion the Petitioner indicates that the Confidential Information it may submit in this Cause includes information regarding energy transfers, including hourly sales quotes and hourly sales transactions (including prices and the identification of counter-parties) that form the basis of the Market Prices (along with supporting workpapers). The Confidential Information may also reflect PSI's or CG&E's incremental costs of generation (and any supporting data or workpapers). In his Affidavit, Mr. Esamann describes the nature of the Confidential Information; the reasons why he believes the Confidential Information should be held as confidential; and, the efforts PSI has taken to maintain the confidentiality of the information.

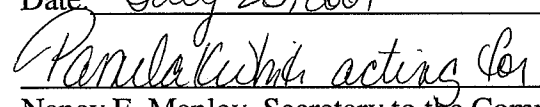
The Presiding Officers, having considered Petitioner's Motion and accompanying Affidavit, hereby find that there is sufficient basis for a determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause No. noted thereon, the Confidential Information which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

**IT IS SO ORDERED.**

  
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David E. Ziegner, Commissioner

  
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Scott R. Storms, Chief Administrative Law Judge

Date: July 23, 2004

  
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Nancy E. Manley, Secretary to the Commission